

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2016-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 4, ENTITLED "ADMINISTRATIVE," TO AMEND SUBSECTION (3) ENTITLED "TOWN MANAGER" TO CLARIFY CONTRACTING WITH THE TOWN MANAGER OR TOWN MANAGEMENT FIRM, TO AMEND THE QUALIFICATIONS LANGUAGE TO PROVIDE THAT THE QUALIFICATIONS OF THE TOWN MANAGER MAY BE ESTABLISHED BY ORDINANCE, AND AMEND CERTAIN DUTIES OF THE TOWN MANAGER; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the Town of Loxahatchee Groves, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the Town Council of the Town of Loxahatchee Groves, Florida, in an ordinance format; and

WHEREAS, Section 4 of the Town Charter contains provisions for the Administrative activities of the Town, including those of the Town Manager; and,

WHEREAS, the Town Council deems the proposed amendment to the Town Charter, as detailed herein, to be in the best interests of the citizens and residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE

TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Section 4, entitled "Administrative," Subsection (3) entitled "TOWN MANAGER" of the Charter of the Town of Loxahatchee Groves, Florida shall be amended as follows:

Section 4. Administrative.—

. . .

(3) TOWN MANAGER. The town manager shall be the chief administrative officer of the town.

(a) The town council shall appoint a town manager who shall be the administrative head of the municipal government under the direction and supervision of the town council. The town manager shall hold office at the pleasure of the town council. The town manager shall be appointed by resolution approving an employment contract or contract for services between the town and the town manager or through a town management firm, which contract shall provide for compensation to the town manager or town management firm. ~~The town manager shall receive such compensation as determined by the town council through the adoption of an appropriate resolution.~~

(b) The qualifications of the town manager may be established by ordinance. ~~The town manager shall have the minimum qualifications of a combination of a bachelor's degree in public administration, business administration, or other related fields from an accredited college or university and 3 years' public administration experience or 6 years' experience in a city manager or assistant city manager position, preferably in an International City/County Management Association-recognized local government.~~

(c) ~~It is preferred that the town manager be an International City/County Management Association-credentialed manager or obtain such credential within 2 years after being appointed.~~

(cd) During the absence or disability of the town manager the town council may by resolution designate some properly qualified person to temporarily execute the functions of the town manager. The person thus designated shall have the same powers and duties as the town manager and shall be known while serving as acting town manager. The town manager or acting town manager may be removed by the town council at any time.

(de) As the chief administrative officer, the town manager shall:

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CODING:

Words in ~~struck through~~ type are deletion from existing law; words in underlined type are additions

1. Direct and supervise the administration of all departments, offices and agencies of the town, except the office of town attorney, and except as otherwise provided by this charter or by law.
2. Appoint, suspend, or remove any employee of the town or appointive administrative officer provided for, by, or under this charter, except the office of town attorney, and except as may otherwise be provided by law, this charter, or personnel rules adopted pursuant to the charter. The town manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
3. Ensure that all laws, provisions of this charter, and acts of the council are faithfully executed consistent with the direction of the Town Council.
4. Prepare and submit the annual budget and capital program to the council, ~~in the form prescribed by ordinance~~
5. Attend meetings of the town council.
6. Draw and sign vouchers upon depositories ~~as provided by ordinance,~~ if directed by Town Council, and keep or cause to be kept a true and accurate account of same.
7. Sign all licenses issued by the town, issue receipts for all moneys paid to the town, and deposit such moneys in the proper depositories ~~on the first banking day after receipt.~~ The town manager may delegate the responsibilities of this subparagraph to an appropriate staff member ~~town employee~~ who shall be bonded.
8. Provide administrative services in support of the official duties of the mayor and the council.
9. Keep the council advised as to the financial condition and future needs of the town and make recommendations to the council concerning the affairs of the town.
10. Submit to the council, and make available to the public, a complete report on finances and administrative activities of the town as of the end of each fiscal year.
11. Sign contracts on behalf of the town to the extent authorized by Town Council. ~~ordinance.~~
12. Perform such other duties as are specified in this charter or as may be required by the council.

...

Section 3. The Ballot Title shall be as follows:

AMEND TOWN CHARTER RELATING TO TOWN MANAGER CONTRACT,
QUALIFICATIONS, AND DUTIES

Section 4. At the Special Election called herein, on August 30, 2016, the following question shall be placed on the ballot for consideration by the qualified electors of the Town of Loxahatchee Groves, Florida, and shall read as follows:

Should the Town Charter be amended to clarify that the town manager may be engaged through an agreement with the town manager or a management firm; to amend the qualifications for the town manager to provide that the qualifications for the town manager may be established by ordinance; and, to amend certain duties of the town manager?

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This proposed amendment has no financial impact to the Town

YES ☐ NO ☐

Section 5. **Advertisement.** The Town Clerk of the Town of Loxahatchee Groves is hereby authorized and directed to advertise the referendum contemplated herein as required by law, including, the State of Florida Election Code.

Section 6. **Referendum Election.** Pursuant to Section 166.031(1), Florida Statutes, the Town Council of the Town of Loxahatchee Groves hereby calls a special election to be conducted with the Statewide Primary Election on August 30, 2016, for the purpose of placing the referendum to a vote of the electors of the Town of Loxahatchee Groves.

Section 7. **Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Town Charter of the Town of Loxahatchee Groves, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 8. **Severability.** If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 9. **Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. **Effective Date.** This Ordinance shall take effect immediately upon its adoption. The amended charter as set forth in Section 2 above shall be effective upon approval by

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the electorate of the Town at the August 30, 2016, election.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE FIRST READING, THIS 3rd DAY OF MAY 2016.

Council Member McLendon offered the foregoing ordinance. Council Member Jarriel seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM GOLTZENÉ, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RON JARRIEL, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RYAN LIANG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 17th DAY OF MAY 2016.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Virginia M. Walton
Virginia Walton
Town Clerk

David Browning
Mayor David Browning

Tom Goltzene
Vice Tom Goltzene

Ronald Jarriel
Council Member Ron Jarriel

APPROVED AS TO LEGAL FORM:

[Signature]
Office of the Town Attorney

[Signature]
Council Member Ryan Liang

[Signature]
Council Member Todd McLendon

RECEIPT

**TOWN OF LOXAHATCHEE GROVES
NOTICE OF PUBLIC HEARING
FOR SUBMITTING TO REFERENDUM
AN AMENDMENT TO
THE TOWN CHARTER**

The Town Council for the Town of Loxahatchee Groves proposes to adopt the following Ordinance:

ORDINANCE NO. 2016-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE TOWN OF LOXAHATCHEE GROVES, SECTION 4, ENTITLED "ADMINISTRATIVE," TO AMEND SUBSECTION (3) ENTITLED "TOWN MANAGER" TO CLARIFY CONTRACTING WITH THE TOWN MANAGER OR TOWN MANAGEMENT FIRM, TO AMEND THE QUALIFICATIONS LANGUAGE TO PROVIDE THAT THE QUALIFICATIONS OF THE TOWN MANAGER MAY BE ESTABLISHED BY ORDINANCE, AND AMEND CERTAIN DUTIES OF THE TOWN MANAGER; PROVIDING FOR BALLOT TITLE AND SUMMARY; PROVIDING FOR NOTICE TO BE PUBLISHED IN ACCORDANCE WITH STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES, AT A SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION ON AUGUST 30, 2016, AND PLACED ON THE ELECTION BALLOT FOR SAID ELECTION, AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR INCLUSION IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Council of the Town of Loxahatchee Groves will conduct a Public Hearing on Ordinance No. 2016-04 on Tuesday, May 17, 2016, commencing at 7:00 p.m. The Public Hearing of the Town Council shall be held at the Town Hall, 155 F Road, Loxahatchee Groves, Florida 33470. The ordinance was passed on first reading at the Regular Town Council Meeting of the Town of Loxahatchee Groves, Florida on Tuesday, May 3, 2016. The Town Council will consider approval of the ordinance on a Public Hearing on second reading.

All interested persons are invited to appear at the Public Hearing, which may be continued from time to time, and may be heard with respect to these matters. A copy of Ordinance No. 2016-04 is on file at the Town Hall, 155 F Road, Loxahatchee Groves, Florida, 33470, for inspection by members of the public during normal business hours.

In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Town Hall Office at: (561) 793-2418 at least five days prior to the Public Hearing date.

Virginia M. Walton, MMC
Town Clerk
PUB: The Palm Beach Post
5-7/2016 #599344

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Name: TOWN OF LOXAHATCHEE GROVES
Address: 155 F RD
LOXAHATCHEE GROVES FL 33470-4949

Phone: 561-793-2418
E-mail:

Order Name: Notice of Public Hearing
Order Id: 599344
Original Order Id:
Copy Line: TOWN OF LOXAHATCHEE GROVESNOTICE OF PUBL
Sales Rep: PB116 R Hindmarch (P)
Purchase Order: 2016-03
Pay Type: Billed
Account Group:
Caller: Virginia Walton

Section: 6205 Legal Notices
Reply Request:
Tear Sheets: 0

Order Summary

Base:	\$292.40
Other Charges:	\$0.00
Discounts:	\$0.00
Agency Commission:	\$0.00
Sales Tax:	\$0.00
Total Order	\$292.40

Payment Summary

No payment information available.

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